

109TH CONGRESS  
1ST SESSION

# H. R. 889

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IN THE SENATE OF THE UNITED STATES

SEPTEMBER 19, 2005

Received; read twice and referred to the Committee on Commerce, Science,  
and Transportation

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## AN ACT

To authorize appropriations for the Coast Guard for fiscal year 2006, to make technical corrections to various laws administered by the Coast Guard, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

**1 SECTION 1. SHORT TITLE.**

**2** This Act may be cited as the “Coast Guard and Mari-  
**3** time Transportation Act of 2005”.

**4 SEC. 2. TABLE OF CONTENTS.**

**5** The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.

**TITLE I—AUTHORIZATION**

- Sec. 101. Authorization of appropriations.
- Sec. 102. Authorized levels of military strength and training.
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- Sec. 202. International training and technical assistance.
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- Sec. 204. Coast Guard band director.
- Sec. 205. Authority for one-step turnkey design-build contracting.
- Sec. 206. Reserve recall authority.
- Sec. 207. Reserve officer distribution.
- Sec. 208. Expansion of use of auxiliary equipment to support coast guard mis-  
sions.
- Sec. 209. Coast Guard history fellowships.
- Sec. 210. Icebreaker operation and maintenance plan.
- Sec. 211. Operation as a service in the Navy.
- Sec. 212. Commendation, recognition, and thanks for Coast Guard personnel.
- Sec. 213. Homeowners assistance for Coast Guard personnel affected by Hurri-  
cane Katrina.
- Sec. 214. Report on personnel, assets, and expenses.
- Sec. 215. Limitation on moving assets to St. Elizabeths hospital.

**TITLE III—SHIPPING AND NAVIGATION**

- Sec. 301. Treatment of ferries as passenger vessels.
- Sec. 302. Great Lakes pilotage annual ratemaking.
- Sec. 303. Certification of vessel nationality in drug smuggling cases.
- Sec. 304. LNG Tankers.

**TITLE IV—MISCELLANEOUS**

- Sec. 401. Technical corrections.
- Sec. 402. Authorization of junior reserve officers training program pilot pro-  
gram.
- Sec. 403. Transfer.
- Sec. 404. Long-range vessel tracking system.
- Sec. 405. Reports.
- Sec. 406. Training of cadets at United States Merchant Marine Academy.
- Sec. 407. Marine casualty investigations study.

- Sec. 408. Conveyance of decommissioned Coast Guard Cutter MACKINAW.
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- Sec. 417. Assessment and planning.
- Sec. 418. Homeport.
- Sec. 419. Opinions regarding whether certain facilities create obstructions to navigation.
- Sec. 420. Temporary authorization to extend the duration of licenses, certificates of registry, and merchant mariners' documents.
- Sec. 421. Temporary authorization to extend the duration of vessel certificates of inspection.
- Sec. 422. Temporary center for processing of for licenses, certificates of registry, and merchant mariners' documents.
- Sec. 423. Determination of navigational impact.
- Sec. 424. Port Richmond.
- Sec. 425. Citizenship and naval reserve requirements.
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- Sec. 427. Quota share allocation.
- Sec. 428. Acquisition of maritime refueling support vessel for United States drug interdiction efforts in the Eastern Pacific Maritime Transit Zone.
- Sec. 429. Voyage data recorder requirements.

#### TITLE V—LIGHTHOUSES

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- Sec. 601. Short title.
- Sec. 602. Requirement to notify Coast Guard of release of objects into the navigable waters of the United States.
- Sec. 603. Limits on liability.
- Sec. 604. Requirement to update Philadelphia area contingency plan.
- Sec. 605. Submerged oil removal.
- Sec. 606. Delaware River and Bay Oil Spill Advisory Committee.
- Sec. 607. Maritime fire and safety activities.

# **TITLE I—AUTHORIZATION**

## **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

Funds are authorized to be appropriated for fiscal year 2006 for necessary expenses of the Coast Guard as follows:

(1) For the operation and maintenance of the Coast Guard, \$5,586,400,000, of which \$24,500,000 is authorized to be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, \$1,903,821,000, of which—

(A) \$20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990), to remain available until expended;

(B) \$1,316,300,000 is authorized for acquisition and construction of shore and offshore facilities, vessels, and aircraft, including equipment related thereto, and other activities that

1           constitute the Integrated Deepwater Systems;  
2           and

3                   (C) \$284,369,000 is authorized for  
4           sustainment of legacy vessels and aircraft, in-  
5           cluding equipment related thereto, and other  
6           activities that constitute the Integrated Deep-  
7           water Systems.

8           (3) To the Commandant of the Coast Guard for  
9           research, development, test, and evaluation of tech-  
10          nologies, materials, and human factors directly relat-  
11          ing to improving the performance of the Coast  
12          Guard's mission in search and rescue, aids to navi-  
13          gation, marine safety, marine environmental protec-  
14          tion, enforcement of laws and treaties, ice oper-  
15          ations, oceanographic research, and defense readi-  
16          ness, \$24,000,000, to remain available until ex-  
17          pended, of which \$3,500,000 shall be derived from  
18          the Oil Spill Liability Trust Fund to carry out the  
19          purposes of section 1012(a)(5) of the Oil Pollution  
20          Act of 1990.

21          (4) For retired pay (including the payment of  
22          obligations otherwise chargeable to lapsed appropria-  
23          tions for this purpose), payments under the Retired  
24          Serviceman's Family Protection and Survivor Ben-  
25          efit Plans, and payments for medical care of retired

1 personnel and their dependents under chapter 55 of  
2 title 10, United States Code, \$1,014,080,000, to re-  
3 main available until expended.

4 (5) For alteration or removal of bridges over  
5 navigable waters of the United States constituting  
6 obstructions to navigation, and for personnel and  
7 administrative costs associated with the Bridge Al-  
8 teration Program, \$35,900,000.

9 (6) For environmental compliance and restora-  
10 tion at Coast Guard facilities (other than parts and  
11 equipment associated with operation and mainte-  
12 nance), \$12,000,000, to remain available until ex-  
13 pended.

14 (7) For the Coast Guard Reserve program, in-  
15 cluding personnel and training costs, equipment, and  
16 services, \$119,000,000.

17 **SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH**  
18 **AND TRAINING.**

19 (a) ACTIVE DUTY STRENGTH.—The Coast Guard is  
20 authorized an end-of-year strength for active duty per-  
21 sonnel of 45,500 for the years ending on September 30,  
22 2005, and September 30, 2006.

23 (b) MILITARY TRAINING STUDENT LOADS.—The  
24 Coast Guard is authorized average military training stu-  
25 dent loads as follows:

1           (1) For recruit and special training for fiscal  
2       year 2006, 2,500 student years.

3           (2) For flight training for fiscal year 2006, 125  
4       student years.

5           (3) For professional training in military and ci-  
6       vilian institutions for fiscal year 2006, 350 student  
7       years.

8           (4) For officer acquisition for fiscal year 2006,  
9       1,200 student years.

10 **SEC. 103. AUTHORIZATION OF FUNDING RELATED TO HUR-**  
11 **RICANE KATRINA.**

12       There is authorized to be appropriated for fiscal year  
13 2005 for the operation and maintenance of the Coast  
14 Guard, in addition to the amounts authorized for that fis-  
15 cal year by section 101(1) of the Coast Guard and Mari-  
16 time Transportation Act of 2004 (118 Stat. 1030),  
17 \$60,000,000 for emergency hurricane expenses, emer-  
18 gency repairs, and deployment of personnel, to support  
19 costs of evacuation, and for other costs resulting from im-  
20 mediate relief efforts related to Hurricane Katrina.

21 **TITLE II—COAST GUARD**

22 **SEC. 201. EXTENSION OF COAST GUARD VESSEL ANCHOR-**  
23 **AGE AND MOVEMENT AUTHORITY.**

24       Section 91 of title 14, United States Code, is amend-  
25 ed by adding at the end the following new subsection:

1 “(d) As used in this section ‘navigable waters of the  
2 United States’ includes all waters of the territorial sea of  
3 the United States as described in Presidential Proclama-  
4 tion No. 5928 of December 27, 1988.”.

5 **SEC. 202. INTERNATIONAL TRAINING AND TECHNICAL AS-**  
6 **SISTANCE.**

7 (a) IN GENERAL.—Section 149 of title 14, United  
8 States Code, is amended—

9 (1) by amending the section heading to read as  
10 follows:

11 **“§ 149. Assistance to foreign governments and mari-**  
12 **time authorities”;**

13 (2) by inserting before the existing undesig-  
14 nated text the following new subsection designation  
15 and heading: “(a) DETAIL OF MEMBERS TO ASSIST  
16 FOREIGN GOVERNMENTS.—”; and

17 (3) by adding at the end the following new sub-  
18 section:

19 “(b) TECHNICAL ASSISTANCE TO FOREIGN MARI-  
20 TIME AUTHORITIES.—The Commandant, in coordination  
21 with the Secretary of State, may, in conjunction with reg-  
22 ular Coast Guard operations, provide technical assistance,  
23 including law enforcement and maritime safety and secu-  
24 rity training, to foreign navies, coast guards, and other  
25 maritime authorities.”.



1 (b) CLERICAL AMENDMENT.—The item related to  
2 such section in the analysis at the beginning of chapter  
3 7 of title 14, United States Code, is amended to read as  
4 follows:

“149. Assistance to foreign governments and maritime authorities.”.

5 **SEC. 203. OFFICER PROMOTION.**

6 Section 257 of title 14, United States Code, is  
7 amended by adding at the end the following new sub-  
8 section:

9 “(f) The Secretary may waive subsection (a) of this  
10 section to the extent necessary to allow officers described  
11 therein to have at least two opportunities for consideration  
12 for promotion to the next higher grade as officers below  
13 the promotion zone.”.

14 **SEC. 204. COAST GUARD BAND DIRECTOR.**

15 (a) BAND DIRECTOR APPOINTMENT AND GRADE.—  
16 Section 336 of title 14, United States Code, is amended—

17 (1) in subsection (b)—

18 (A) by amending the first sentence to read  
19 as follows: “The Secretary may designate as the  
20 director any individual determined by the Sec-  
21 retary to possess the necessary qualifications.”;  
22 and

23 (B) in the second sentence, by striking “a  
24 member so designated” and inserting “an indi-  
25 vidual so designated”;

1 (2) in subsection (c)—

2 (A) by striking “of a member” and insert-  
3 ing “of an individual”; and

4 (B) by striking “of lieutenant (junior  
5 grade) or lieutenant” and inserting “determined  
6 by the Secretary to be most appropriate to the  
7 qualifications and experience of the appointed  
8 individual”;

9 (3) in subsection (d), by striking “A member”  
10 and inserting “An individual”; and

11 (4) in subsection (e)—

12 (A) by striking “When a member’s des-  
13 ignation is revoked,” and inserting “When an  
14 individual’s designation is revoked,”; and

15 (B) by striking “option:” and inserting  
16 “option—”.

17 (b) CURRENT DIRECTOR.—The individual serving as  
18 Coast Guard band director on the date of the enactment  
19 of this Act may be immediately promoted to a commis-  
20 sioned grade, not to exceed captain, determined by the  
21 Secretary to be most appropriate to the qualifications and  
22 experience of that individual.

1 **SEC. 205. AUTHORITY FOR ONE-STEP TURNKEY DESIGN-**  
2 **BUILD CONTRACTING.**

3 (a) IN GENERAL.—Chapter 17 of title 14, United  
4 States Code, is amended by adding at the end the fol-  
5 lowing new section:

6 **“§ 677. Turnkey selection procedures**

7 “(a) AUTHORITY TO USE.—The Secretary may use  
8 one-step turnkey selection procedures for the purpose of  
9 entering into contracts for construction projects.

10 “(b) DEFINITIONS.—In this section:

11 “(1) The term ‘one-step turn-key selection pro-  
12 cedures’ means procedures used for the selection of  
13 a contractor on the basis of price and other evalua-  
14 tion criteria to perform, in accordance with the pro-  
15 visions of a firm fixed-price contract, both the design  
16 and construction of a facility using performance  
17 specifications supplied by the Secretary.

18 “(2) The term ‘construction’ includes the con-  
19 struction, procurement, development, conversion, or  
20 extension, of any facility.

21 “(3) The term ‘facility’ means a building, struc-  
22 ture, or other improvement to real property.”.

23 (b) CLERICAL AMENDMENT.—The analysis at the be-  
24 ginning of such chapter is amended by inserting after the  
25 item relating to section 676 the following:

“677. Turnkey selection procedures.”.

1 **SEC. 206. RESERVE RECALL AUTHORITY.**

2 Section 712(a) of title 14, United States Code, is  
3 amended—

4 (1) by inserting “, or to aid in prevention of an  
5 imminent,” after “during”;

6 (2) by striking “or” before “catastrophe”;

7 (3) by inserting “, act of terrorism as defined  
8 in section 2(15) of the Homeland Security Act of  
9 2002 (6 U.S.C. 101(15)), or transportation security  
10 incident as defined in section 70101 of title 46”  
11 after “catastrophe”;

12 (4) by striking “thirty days in any four-month  
13 period” and inserting “60 days in any 4-month pe-  
14 riod”; and

15 (5) by striking “sixty days in any two-year pe-  
16 riod” and inserting “120 days in any 2-year period”.

17 **SEC. 207. RESERVE OFFICER DISTRIBUTION.**

18 Section 724 of title 14, United States Code, is  
19 amended—

20 (1) in subsection (a), by inserting after the first  
21 sentence the following: “Reserve officers on an ac-  
22 tive-duty list shall not be counted as part of the au-  
23 thorized number of officers in the Reserve.”; and

24 (2) in subsection (b), by striking so much as  
25 precedes paragraph (2) and inserting the following:

1       “(b)(1) The Secretary shall, at least once each year,  
2       make a computation to determine the number of Reserve  
3       officers in an active status authorized to be serving in each  
4       grade. The number in each grade shall be computed by  
5       applying the applicable percentage to the total number of  
6       such officers serving in an active status on the date the  
7       computation is made. The number of Reserve officers in  
8       an active status below the grade of rear admiral (lower  
9       half) shall be distributed by pay grade so as not to exceed  
10      percentages of commissioned officers authorized by section  
11      42(b) of this title. When the actual number of Reserve  
12      officers in an active status in a particular pay grade is  
13      less than the maximum percentage authorized, the dif-  
14      ference may be applied to the number in the next lower  
15      grade. A Reserve officer may not be reduced in rank or  
16      grade solely because of a reduction in an authorized num-  
17      ber as provided for in this subsection, or because an excess  
18      results directly from the operation of law.”.

19      **SEC. 208. EXPANSION OF USE OF AUXILIARY EQUIPMENT**  
20                                      **TO SUPPORT COAST GUARD MISSIONS.**

21              (a) USE OF MOTORIZED VEHICLES.—Section 826 of  
22      title 14, United States Code, is amended—

23                      (1) by designating the existing undesignated  
24      text as subsection (a); and

1           (2) by adding at the end the following new sub-  
2       section:

3       “(b) The Coast Guard may utilize to carry out its  
4       functions and duties as authorized by the Secretary any  
5       motorized vehicle placed at its disposition by any member  
6       of the Auxiliary, by any corporation, partnership, or asso-  
7       ciation, or by any State or political subdivision thereof,  
8       to tow Federal Government property.”.

9       (b) APPROPRIATIONS FOR FACILITIES.—Section  
10      830(a) of title 14, United States Code, is amended by  
11      striking “or radio station” and inserting “radio station,  
12      or motorized vehicle” each place it appears.

13      **SEC. 209. COAST GUARD HISTORY FELLOWSHIPS.**

14      (a) FELLOWSHIPS AUTHORIZED.—Chapter 9 of title  
15      14, United States Code, is amended by adding at the end  
16      the following:

17      **“§ 197. Coast Guard history fellowships**

18      “(a) FELLOWSHIPS.—The Commandant of the Coast  
19      Guard shall prescribe regulations under which the Com-  
20      mandant may award fellowships in Coast Guard history  
21      to individuals who are eligible under subsection (b).

22      “(b) ELIGIBLE INDIVIDUALS.—An individual shall be  
23      eligible under this subsection if the individual is a citizen  
24      or national of the United States and—

1 “(1) is a graduate student in United States his-  
2 tory;

3 “(2) has completed all requirements for a doc-  
4 toral degree other than preparation of a dissertation;  
5 and

6 “(3) agrees to prepare a dissertation in a sub-  
7 ject area of Coast Guard history determined by the  
8 Commandant.

9 “(c) REGULATIONS.—The regulations prescribed  
10 under this section shall include—

11 “(1) the criteria for award of fellowships;

12 “(2) the procedures for selecting recipients of  
13 fellowships;

14 “(3) the basis for determining the amount of a  
15 fellowship; and

16 “(4) subject to the availability of appropria-  
17 tions, the total amount that may be awarded as fel-  
18 lowships during an academic year.”.

19 (b) CLERICAL AMENDMENT.—The analysis at the be-  
20 ginning of such chapter is amended by adding at the end  
21 the following:

“197. Coast Guard history fellowships.”.

22 **SEC. 210. ICEBREAKER OPERATION AND MAINTENANCE**  
23 **PLAN.**

24 The Secretary of the department in which the Coast  
25 Guard is operating shall—

1           (1) by not later than 90 days after the date of  
2           the enactment of this Act, submit to the Committee  
3           on Transportation and Infrastructure of the House  
4           of Representatives and the Committee on Commerce,  
5           Science, and Transportation of the Senate a plan for  
6           operation and maintenance of Coast Guard ice-  
7           breakers in the waters of Antarctica after fiscal year  
8           2006 that does not rely on the transfer of funds to  
9           the Coast Guard by any other Federal agency; and  
10          (2) subject to the availability of appropriations,  
11          implement the plan in fiscal years after fiscal year  
12          2006.

13 **SEC. 211. OPERATION AS A SERVICE IN THE NAVY.**

14          Section 3 of title 14, United States Code, is amended  
15          by striking “Upon the declaration of war or when” and  
16          inserting “When”.

17 **SEC. 212. COMMENDATION, RECOGNITION, AND THANKS**  
18 **FOR COAST GUARD PERSONNEL.**

19          (a) FINDINGS.—The Congress finds the following:

20               (1) On August 29, 2005, Hurricane Katrina  
21               struck the Gulf of Mexico coastal region of Lou-  
22               isiana, Mississippi, and Alabama, causing the worst  
23               natural disaster in United States history.



1           (2) The response to such hurricane by members  
2           and employees of the Coast Guard has been imme-  
3           diate, invaluable, and courageous.

4           (3) Members and employees of the Coast  
5           Guard—

6                   (A) have shown great leadership in helping  
7                   to coordinate relief efforts with respect to Hur-  
8                   ricane Katrina;

9                   (B) have used their expertise and special-  
10                  ized skills to provide immediate assistance to  
11                  victims and survivors of the hurricane; and

12                  (C) have set up remote assistance oper-  
13                  ations in the affected areas in order to best pro-  
14                  vide service to Gulf of Mexico coastal region.

15           (4) Members of the Coast Guard have volun-  
16           teered their unique resources to assess the situation  
17           and deliver aid when and where other relief efforts  
18           could not.

19           (5) Members of the Coast Guard have dem-  
20           onstrated their resolve and character by providing  
21           aid to Hurricane Katrina victims and survivors.

22           (6) Members and employees of the Coast Guard  
23           have worked together to bring clean water, food, and  
24           resources to victims and survivors in need.

1 (b) COMMENDATION, RECOGNITION, AND THANKS.—

2 The Congress—

3 (1) commends the outstanding efforts in re-  
4 sponse to Hurricane Katrina by members and em-  
5 ployees of the Coast Guard;

6 (2) recognizes that the actions of these individ-  
7 uals went above and beyond the call of duty; and

8 (3) thanks them for their continued dedication  
9 and service.

10 **SEC. 213. HOMEOWNERS ASSISTANCE FOR COAST GUARD**

11 **PERSONNEL AFFECTED BY HURRICANE**

12 **KATRINA.**

13 (a) IN GENERAL.—Notwithstanding any other provi-  
14 sion of law, the Secretary of the department in which the  
15 Coast Guard is operating may reimburse a person who is  
16 eligible under subsection (b) for reimbursement under this  
17 section, for losses of qualified property owned by such per-  
18 son that result from damage caused by Hurricane  
19 Katrina.

20 (b) ELIGIBLE PERSONS.—A person is eligible for re-  
21 imbursement under this section if the person is a civilian  
22 employee of the Federal Government or member of the  
23 uniformed services who—

24 (1) was assigned to, or employed at or in con-  
25 nection with, a Coast Guard facility located in the

1 State of Louisiana, Mississippi, or Alabama on or  
2 before August 28, 2005;

3 (2) incident to such assignment or employment,  
4 owned and occupied property that is qualified prop-  
5 erty under subsection (e); and

6 (3) as a result of the effects of Hurricane  
7 Katrina, incurred damage to such qualified property  
8 such that—

9 (A) the qualified property is unsalable (as  
10 determined by the Secretary); and

11 (B) the proceeds, if any, of insurance for  
12 such damage are less than an amount equal to  
13 the greater of—

14 (i) the fair market value of the quali-  
15 fied property on August 28, 2005 (as de-  
16 termined by the Secretary); or

17 (ii) the outstanding mortgage, if any,  
18 on the qualified property on that date.

19 (c) REIMBURSEMENT AMOUNT.—The amount of the  
20 reimbursement that an eligible person may be paid under  
21 this section with respect to a qualified property shall be  
22 determined as follows:

23 (1) In the case of qualified property that is a  
24 dwelling or condominium unit, the amount shall  
25 be—

1 (A) the amount equal to the greater of—

2 (i) 85 percent of the fair market value  
3 of the dwelling or condominium unit on  
4 August 28, 2005 (as determined by the  
5 Secretary), or

6 (ii) the outstanding mortgage, if any,  
7 on the dwelling or condominium unit on  
8 that date; minus

9 (B) the proceeds, if any, of insurance re-  
10 ferred to in subsection (b)(3)(B).

11 (2) In the case of qualified property that is a  
12 manufactured home, the amount shall be—

13 (A) if the owner also owns the real prop-  
14 erty underlying such home, the amount deter-  
15 mined under paragraph (1); or

16 (B) if the owner leases such underlying  
17 property—

18 (i) the amount determined under  
19 paragraph (1); plus

20 (ii) the amount of rent payable under  
21 the lease of such property for the period  
22 beginning on August 28, 2005, and ending  
23 on the date of the reimbursement under  
24 this section.

25 (d) TRANSFER AND DISPOSAL OF PROPERTY.—

1           (1) IN GENERAL.—An owner receiving reim-  
2       bursement under this section shall transfer to the  
3       Secretary all right, title, and interest of the owner  
4       in the qualified property for which the owner re-  
5       ceives such reimbursement. The Secretary shall hold,  
6       manage, and dispose of such qualified property in  
7       the same manner that the Secretary of Defense  
8       holds, manages, and disposes of real property under  
9       section 1013 of the Demonstration Cities and Metro-  
10      politan Development Act of 1966 (42 U.S.C. 3374).

11          (2) TREATMENT OF PROCEEDS.—Any amounts  
12      received by the United States as proceeds of man-  
13      agement or disposal of property by the Secretary  
14      under this subsection shall be deposited in the gen-  
15      eral fund of the Treasury as offsetting receipts of  
16      the department in which the Coast Guard is oper-  
17      ating and ascribed to Coast Guard activities.

18          (e) QUALIFIED PROPERTY.—Property is qualified  
19      property for the purposes of this section if as of August  
20      28, 2005, the property was a one- or two-family dwelling,  
21      manufactured home, or condominium unit in the State of  
22      Louisiana, Mississippi, or Alabama that is owned and oc-  
23      cupied, as a principal residence, by a person who is eligible  
24      under subsection (b).

1 (f) SUBJECT TO APPROPRIATIONS.—The authority to  
2 pay reimbursement under this section is subject to the  
3 availability of appropriations.

4 **SEC. 214. REPORT ON PERSONNEL, ASSETS, AND EXPENSES.**

5 Not later than September 15, 2005, and at least once  
6 every month thereafter through January 2006, the Com-  
7 mandant of the Coast Guard shall report to the Committee  
8 on Transportation and Infrastructure of the House of  
9 Representatives and the Committee on Commerce,  
10 Science, and Transportation of the Senate regarding the  
11 personnel and assets deployed to assist in the response to  
12 Hurricane Katrina and the costs incurred as a result of  
13 such response that are in addition to funds already appro-  
14 priated for the Coast Guard for fiscal year 2005.

15 **SEC. 215. LIMITATION ON MOVING ASSETS TO ST. ELIZA-**  
16 **BETHS HOSPITAL.**

17 The Commandant of the Coast Guard may not move  
18 any Coast Guard personnel, property, or other assets to  
19 the West Campus of St. Elizabeths Hospital until the Ad-  
20 ministrator of General Services submits to the Committee  
21 on Transportation and Infrastructure of the House of  
22 Representatives and the Committee on Commerce,  
23 Science, and Transportation and the Committee on Envi-  
24 ronment and Public Works of the Senate plans—

1           (1) to provide road access to the site from  
2     Interstate Route 295; and

3           (2) for the design of facilities for at least one  
4     Federal agency other than the Coast Guard that  
5     would house no less than 2,000 employees at such  
6     location.

## 7           **TITLE III—SHIPPING AND** 8           **NAVIGATION**

### 9     **SEC. 301. TREATMENT OF FERRIES AS PASSENGER VES-** 10           **SELS.**

11           (a) FERRY DEFINED.—Section 2101 of title 46,  
12     United States Code, is amended by inserting after para-  
13     graph (10a) the following:

14                 “(10b) ‘ferry’ means a vessel that is used on a  
15     regular schedule—

16                         “(A) to provide transportation only be-  
17                         tween places that are not more than 300 miles  
18                         apart, and

19                         “(B) to transport only—

20                                 “(i) passengers, or

21                                 “(ii) vehicles, or railroad cars, that  
22                                 are being used, or have been used, in  
23                                 transporting passengers or goods.”.

1 (b) PASSENGER VESSELS THAT ARE FERRIES.—Sec-  
2 tion 2101(22) of title 46, United States Code, is amend-  
3 ed—

4 (1) by striking “or” after the semicolon at the  
5 end of subparagraph (B);

6 (2) by striking the period at the end of sub-  
7 paragraph (C) and inserting “; or”; and

8 (3) by adding at the end the following:

9 “(D) that is a ferry carrying a pas-  
10 senger.”.

11 (c) SMALL PASSENGER VESSELS THAT ARE FER-  
12 RIES.—Section 2101(35) of title 46, United States Code,  
13 is amended—

14 (1) by striking “or” after the semicolon at the  
15 end of subparagraph (C);

16 (2) by striking the period at the end of sub-  
17 paragraph (D) and inserting “; or”; and

18 (3) by adding at the end the following:

19 “(E) that is a ferry carrying more than 6  
20 passengers.”.

21 **SEC. 302. GREAT LAKES PILOTAGE ANNUAL RATEMAKING.**

22 Section 9303 of title 46, United States Code, is  
23 amended—

24 (1) in subsection (f) by striking “The” and in-  
25 serting “Before March 1 of each year, the”; and



1 (2) by adding at the end the following:

2 “(g) The Secretary shall ensure that the number of  
3 full-time equivalent employees assigned to carry out this  
4 section is not less than 4.”.

5 **SEC. 303. CERTIFICATION OF VESSEL NATIONALITY IN**  
6 **DRUG SMUGGLING CASES.**

7 Section 3(c)(2) of the Maritime Drug Law Enforce-  
8 ment Act (46 U.S.C. App. 1903(c)(2)) is amended in the  
9 matter following subparagraph (C) by striking “denial of  
10 such claim of registry” and inserting “response”.

11 **SEC. 304. LNG TANKERS.**

12 (a) PROGRAM.—The Secretary of Transportation  
13 shall develop and implement a program to promote the  
14 transportation of liquefied natural gas to the United  
15 States on United States-flag vessels.

16 (b) AMENDMENT TO DEEPWATER PORT ACT.—Sec-  
17 tion 4 of the Deepwater Port Act of 1974 (33 U.S.C.  
18 1503) is amended by adding at the end the following:

19 “(i) To promote the security of the United States,  
20 the Secretary shall give top priority to the processing of  
21 a license under this Act for liquefied natural gas facilities  
22 that will be supplied with liquefied natural gas by United  
23 States flag-vessels.”.

24 (c) REPORT.—Within 6 months after the date of the  
25 enactment of this Act, the Secretary shall submit a report

1 to the Committee on Transportation and Infrastructure  
 2 of the House of Representatives and the Committee on  
 3 Commerce, Science, and Transportation of the Senate on  
 4 the implementation of this section.

## 5 **TITLE IV—MISCELLANEOUS**

### 6 **SEC. 401. TECHNICAL CORRECTIONS.**

7 (a) REQUIREMENTS FOR COOPERATIVE AGREE-  
 8 MENTS FOR VOLUNTARY SERVICES.—Section 93(a)(19) of  
 9 title 14, United States Code, as amended by section 201  
 10 of the Coast Guard and Maritime Transportation Act of  
 11 2004 (Public Law 108–293; 118 Stat. 1031), is amended  
 12 by redesignating subparagraphs (1) and (2) in order as  
 13 subparagraphs (A) and (B).

14 (b) CORRECTION OF AMENDMENT TO CHAPTER  
 15 ANALYSIS.—Section 212(b) of the Coast Guard and Mari-  
 16 time Transportation Act of 2004 (Public Law 108–293;  
 17 118 Stat. 1037) is amended by inserting “of title 14”  
 18 after “chapter 17”.

19 (c) RECOMMENDATIONS TO CONGRESS BY COM-  
 20 MANDANT OF THE COAST GUARD.—Section 93(a) of title  
 21 14, United States Code, as amended by sections 201 and  
 22 217 of the Coast Guard and Maritime Transportation Act  
 23 of 2004 (Public Law 108–293; 118 Stat. 1031, 1038), is  
 24 amended by redesignating paragraph (y) as paragraph  
 25 (24).

1 (d) CORRECTION OF REFERENCE TO PORTS AND WA-  
2 TERWAYS SAFETY ACT.—Section 302 of the Coast Guard  
3 and Maritime Transportation Act of 2004 (Public Law  
4 108–293; 118 Stat. 1041) is amended by striking “of  
5 1972”.

6 (e) TECHNICAL CORRECTION OF PENALTY.—Section  
7 4311(b) of title 46, United States Code, as amended by  
8 section 406 of the Coast Guard and Maritime Transpor-  
9 tation Act of 2004 (Public Law 108–293; 118 Stat. 1043),  
10 is amended by striking “4307(a)of” and inserting  
11 “4307(a) of”.

12 (f) DETERMINING ADEQUACY OF POTABLE  
13 WATER.—Section 3305(a) of title 46, United States Code,  
14 as amended by section 416(b)(3) of the Coast Guard and  
15 Maritime Transportation Act of 2004 (Public Law 108–  
16 293; 118 Stat. 1047), is amended by moving paragraph  
17 (2) two ems to the left, so that the material preceding  
18 subparagraph (A) of such paragraph aligns with the left-  
19 hand margin of paragraph (1) of such section.

20 (g) RENEWAL OF ADVISORY GROUP.—Section 418(a)  
21 of the Coast Guard and Maritime Transportation Act of  
22 2004 (Public Law 108–293; 118 Stat. 1049) is amended  
23 by striking “of September 30, 2005” and inserting “on  
24 September 30, 2005”.

1 (h) TECHNICAL CORRECTIONS RELATING TO REF-  
2 ERENCES TO NATIONAL DRIVER REGISTER.—

3 (1) AMENDMENT INSTRUCTION.—Section  
4 609(1) of the Coast Guard and Maritime Transpor-  
5 tation Act of 2004 (Public Law 108–293; 118 Stat.  
6 1058) is amended in the matter preceding subpara-  
7 graph (A) by striking “7302” and inserting  
8 “7302(c)”.

9 (2) OMITTED WORD.—Section 7302(c) of title  
10 46, United States Code, as amended by section  
11 609(1) of the Coast Guard and Maritime Transpor-  
12 tation Act of 2004 (Public Law 108–293; 118 Stat.  
13 1058), is amended—

14 (A) by inserting “section” before  
15 “30305(b)(5)”; and

16 (B) by inserting “section” before  
17 “30304(a)(3)(A)”.

18 (3) EXTRANEOUS U.S.C. REFERENCE.—Section  
19 7703(3) of title 46, United States Code, as amended  
20 by section 609(3) of the Coast Guard and Maritime  
21 Transportation Act of 2004 (Public Law 108–293;  
22 118 Stat. 1058), is amended by striking “(23 U.S.C.  
23 401 note)”.

24 (i) VESSEL RESPONSE PLANS FOR NONTANK VES-  
25 SELS.—

1           (1) CORRECTION OF VESSEL REFERENCES.—  
2       Section 311 of the Federal Water Pollution Control  
3       Act (33 U.S.C. 1321), as amended by section 701  
4       of the Coast Guard and Maritime Transportation  
5       Act of 2004 (Public Law 108–293; 118 Stat. 1067),  
6       is amended by striking “non-tank” each place it ap-  
7       pears and inserting “nontank”.

8           (2) PUNCTUATION ERROR.—Section 701(b)(9)  
9       of the Coast Guard and Maritime Transportation  
10      Act of 2004 (Public Law 108–293; 118 Stat. 1068)  
11      is amended by inserting close quotation marks after  
12      “each tank vessel”.

13      (j) PUNCTUATION ERROR.—Section 5006(c) of the  
14      Oil Pollution Act of 1990 (33 U.S.C. 2736(c)), as amend-  
15      ed by section 704(1) of the Coast Guard and Maritime  
16      Transportation Act of 2004 (Public Law 108–293; 118  
17      Stat. 1075), is amended by inserting a comma after “Oc-  
18      tober 1, 2012”.

19      (k) CORRECTION TO SUBTITLE DESIGNATION.—

20           (1) REDESIGNATION.—Title 46, United States  
21      Code, is amended by redesignating subtitle VI as  
22      subtitle VII.

23           (2) CLERICAL AMENDMENT.—The table of sub-  
24      titles at the beginning of title 46, United States

1 Code, is amended by striking the item relating to  
 2 subtitle VI and inserting the following:

“VII. MISCELLANEOUS ..... 70101”.

3 (l) CORRECTIONS TO CHAPTER 701 OF TITLE 46,  
 4 UNITED STATES CODE.—Chapter 701 of title 46, United  
 5 States Code, is amended as follows:

6 (1) Sections 70118 and 70119, as added by  
 7 section 801 of the Coast Guard and Maritime  
 8 Transportation Act of 2004 (Public Law 108–293;  
 9 118 Stat. 1078), are redesignated as sections 70117  
 10 and 70118, respectively, and moved to appear imme-  
 11 diately after section 70116 of title 46, United States  
 12 Code.

13 (2) Sections 70117 and 70118, as added by  
 14 section 802 of such Act (Public Law 108–293; 118  
 15 Stat. 1078), are redesignated as sections 70120 and  
 16 70121, respectively, and moved to appear imme-  
 17 diately after section 70119 of title 46, United States  
 18 Code.

19 (3) In section 70120(a), as redesignated by  
 20 paragraph (2) of this section, by striking “section  
 21 70120” and inserting “section 70119”.

22 (4) In section 70121(a), as redesignated by  
 23 paragraph (2) of this section, by striking “section  
 24 70120” and inserting “section 70119”.

1           (5) In the analysis at the beginning of the  
 2           chapter, by striking the items relating to sections  
 3           70117 through the second 70119 and inserting the  
 4           following:

“70117. Firearms, arrests, and seizure of property.  
 “70118. Enforcement by State and local officers.  
 “70119. Civil penalty.  
 “70120. In rem liability for civil penalties and certain costs.  
 “70121. Withholding of clearance.”.

5           (m) AREA MARITIME SECURITY ADVISORY COMMIT-  
 6           TEES; MARGIN ALIGNMENT.—Section 70112(b) of title  
 7           46, United States Code, as amended by section 806 of the  
 8           Coast Guard and Maritime Transportation Act of 2004  
 9           (Public Law 108–293; 118 Stat. 1082), is amended by  
 10          moving paragraph (5) two ems to the left, so that the left-  
 11          hand margin of paragraph (5) aligns with the left-hand  
 12          margin of paragraph (4) of such section.

13          (n) TECHNICAL CORRECTION REGARDING TANK  
 14          VESSEL ENVIRONMENTAL EQUIVALENCY EVALUATION  
 15          INDEX.—Section 4115(e)(3) of the Oil Pollution Act of  
 16          1990 (46 U.S.C. 3703a note) is amended by striking  
 17          “hull” the second place it appears.

18          (o) EFFECTIVE DATE.—This section shall take effect  
 19          August 9, 2004.

20       **SEC. 402. AUTHORIZATION OF JUNIOR RESERVE OFFICERS**  
 21               **TRAINING PROGRAM PILOT PROGRAM.**

22          (a) IN GENERAL.—The Secretary of the department  
 23          in which the Coast Guard is operating (in this section re-

ferred to as the “Secretary”) may carry out a pilot program to establish and maintain a junior reserve officers training program in cooperation with the Camden County High School in Camden County, North Carolina.

(b) PROGRAM REQUIREMENTS.—A pilot program carried out by the Secretary under this section shall provide to students at Camden County High School—

(1) instruction in subject areas relating to operations of the Coast Guard; and

(2) training in skills which are useful and appropriate for a career in the Coast Guard.

(c) PROVISION OF ADDITIONAL SUPPORT.—To carry out a pilot program under this section, the Secretary may provide to Camden County High School—

(1) assistance in course development, instruction, and other support activities;

(2) commissioned, warrant, and petty officers of the Coast Guard to serve as administrators and instructors; and

(3) necessary and appropriate course materials, equipment, and uniforms.

(d) EMPLOYMENT OF RETIRED COAST GUARD PERSONNEL.—

(1) IN GENERAL.—Subject to paragraph (2) of this subsection, the Secretary may authorize the



1 Camden County High School to employ as adminis-  
2 trators and instructors for the pilot program retired  
3 Coast Guard and Coast Guard Reserve commis-  
4 sioned, warrant, and petty officers who request that  
5 employment and who are approved by the Secretary  
6 and Camden County High School.

7 (2) AUTHORIZED PAY.—

8 (A) IN GENERAL.—Retired members em-  
9 ployed under paragraph (1) of this subsection  
10 are entitled to receive their retired or retainer  
11 pay and an additional amount of not more than  
12 the difference between—

13 (i) the amount the individual would be  
14 paid as pay and allowance if they were  
15 considered to have been ordered to active  
16 duty during that period of employment;  
17 and

18 (ii) the amount of retired pay the in-  
19 dividual is entitled to receive during that  
20 period.

21 (B) PAYMENT TO SCHOOL.—The Secretary  
22 shall pay to Camden County High School an  
23 amount equal to one half of the amount de-  
24 scribed in subparagraph (A) of this paragraph,  
25 from funds appropriated for that purpose.

1 (C) NOT DUTY OR DUTY TRAINING.—Not-  
2 withstanding any other law, while employed  
3 under this subsection, an individual is not con-  
4 sidered to be on active duty or inactive duty  
5 training.

6 **SEC. 403. TRANSFER.**

7 Section 602(b)(2) of the Coast Guard and Maritime  
8 Transportation Act of 2004 (118 Stat. 1051) is amended  
9 by striking “to be conveyed” and all that follows through  
10 the period and inserting “to be conveyed to CAS Founda-  
11 tion, Inc. (a nonprofit corporation under the laws of the  
12 State of Indiana.”.

13 **SEC. 404. LONG-RANGE VESSEL TRACKING SYSTEM.**

14 (a) PILOT PROJECT.—Subject to the availability of  
15 appropriations, the Secretary of the department in which  
16 the Coast Guard is operating, acting through the Com-  
17 mandant of the Coast Guard, shall conduct a pilot pro-  
18 gram for long range tracking of up to 2,000 vessels using  
19 satellite systems pursuant to section 70115 of title 46,  
20 United States Code.

21 (b) AUTHORIZATION OF APPROPRIATIONS.—There is  
22 authorized to be appropriated to the Secretary of the de-  
23 partment in which the Coast Guard is operating  
24 \$4,000,000 for fiscal year 2006 to carry out the pilot pro-  
25 gram authorized under subsection (a).

1 **SEC. 405. REPORTS.**

2 (a) ADEQUACY OF ASSETS.—The Commandant of  
3 the Coast Guard shall review the adequacy of assets and  
4 facilities described in subsection (b) to carry out the Coast  
5 Guard’s missions, including search and rescue, illegal drug  
6 and migrant interdiction, aids to navigation, ports, water-  
7 ways and coastal security, marine environmental protec-  
8 tion, and fisheries law enforcement. Not later than 180  
9 days after the date of the enactment of this Act, the Com-  
10 mandant shall submit a report to the Committee on  
11 Transportation and Infrastructure of the House of Rep-  
12 resentatives and the Committee on Commerce, Science,  
13 and Transportation of the Senate that includes the find-  
14 ings of that review and any recommendations to enhance  
15 mission capabilities in those areas.

16 (b) AREAS OF REVIEW.—The report under sub-  
17 section (a) shall provide information and recommendations  
18 on the following assets:

19 (1) Coast Guard aircraft, including helicopters,  
20 stationed at Air Station Detroit in the State of  
21 Michigan.

22 (2) Coast Guard vessels and aircraft stationed  
23 in the Commonwealth of Puerto Rico.

24 (3) Coast Guard vessels and aircraft stationed  
25 in the State of Louisiana along the Lower Mis-

1       Mississippi River between the Port of New Orleans and  
2       the Red River.

3           (4) Coast Guard vessels and aircraft stationed  
4       in Coast Guard Sector Delaware Bay.

5           (5) Physical infrastructure at Boat Station  
6       Cape May in the State of New Jersey.

7       (c) ADEQUACY OF ACTIVE DUTY STRENGTH.—The  
8       Commandant of the Coast Guard shall review the ade-  
9       quacy of the strength of active duty personnel authorized  
10      under section 102(a) to carry out the Coast Guard’s mis-  
11      sions, including search and rescue, illegal drug and mi-  
12      grant interdiction, aids to navigation, ports, waterways  
13      and coastal security, marine environmental protection, and  
14      fisheries law enforcement. Not later than 180 days after  
15      the date of the enactment of this Act, the Commandant  
16      shall submit a report to the Committee on Transportation  
17      and Infrastructure and the Committee on Homeland Secu-  
18      rity of the House of Representatives and the Committee  
19      on Commerce, Science, and Transportation of the Senate  
20      that includes the findings of that review.

21   **SEC. 406. TRAINING OF CADETS AT UNITED STATES MER-**  
22                   **CHANT MARINE ACADEMY.**

23       Section 1303(f) of the Merchant Marine Act, 1936  
24      (46 App. U.S.C. 1295b(f)) is amended—

1           (1) in paragraph (2) by striking “and” after  
2           the semicolon at the end;

3           (2) in paragraph (3) by striking the period at  
4           the end and inserting “; and”; and

5           (3) by adding at the end the following:

6           “(4) on any other vessel considered necessary or  
7           appropriate or in the national interest.”.

8   **SEC. 407. MARINE CASUALTY INVESTIGATIONS STUDY.**

9           (a) STUDY.—Within 3 months after the date of en-  
10          actment of this Act, the Commandant of the Coast Guard  
11          shall enter into an agreement with National Institute for  
12          Occupational Safety and Health for a study of the Coast  
13          Guard marine casualty investigation program to examine  
14          the extent to which marine casualty investigations and re-  
15          ports—

16                (1) result in information and recommendations  
17                that prevent similar casualties;

18                (2) minimize the effect of similar casualties,  
19                given that it has occurred; and

20                (3) maximize lives saved in similar casualties,  
21                given that the vessel has become uninhabitable.

22          (b) INCLUDED ELEMENTS.—To promote the safety  
23          of all those who work on or travel by water and to protect  
24          the marine environment, the study shall include consider-  
25          ation of—

1           (1) the adequacy of resources devoted to marine  
2       casualty investigations considering caseload, training  
3       and experience of marine casualty investigators, and  
4       duty assignment practices;

5           (2) investigation standards and methods, in-  
6       cluding a comparison of the formal and informal in-  
7       vestigation processes;

8           (3) use of best investigation practices consid-  
9       ering transportation investigation practices used by  
10      other Federal agencies and foreign governments, in-  
11      cluding the British MAIB program;

12          (4) marine casualty data base management and  
13      use of casualty data and information as an input to  
14      marine casualty prevention programs;

15          (5) the extent to which marine casualty data  
16      and information have been used to improve the sur-  
17      vivability and habitability of vessels involved in ma-  
18      rine casualties; and

19          (6) any changes to current statutes that would  
20      clarify Coast Guard responsibilities for marine cas-  
21      ualty investigations and report.

22      (c) REPORT TO CONGRESS.—The study, along with  
23      its findings and recommendations, shall be provided to the  
24      Committee on Transportation and Infrastructure of the  
25      House of Representatives and the Committee on Com-

1 merce, Science, and Transportation of the Senate within  
2 18 months after entering into a contract with the Insti-  
3 tute.

4 (d) AUTHORIZATION OF APPROPRIATIONS.—There is  
5 authorized to be appropriated \$625,000 to carry out the  
6 study required by this section.

7 **SEC. 408. CONVEYANCE OF DECOMMISSIONED COAST**  
8 **GUARD CUTTER MACKINAW.**

9 (a) IN GENERAL.—Upon the scheduled decommis-  
10 sioning of the Coast Guard Cutter MACKINAW, the Com-  
11 mandant of the Coast Guard shall convey all right, title,  
12 and interest of the United States in and to that vessel  
13 to the City and County of Cheboygan, Michigan, without  
14 consideration, if—

15 (1) the recipient agrees—

16 (A) to use the vessel for purposes of a mu-  
17 seum;

18 (B) not to use the vessel for commercial  
19 transportation purposes;

20 (C) to make the vessel available to the  
21 United States Government if needed for use by  
22 the Commandant in time of war or a national  
23 emergency; and

24 (D) to hold the Government harmless for  
25 any claims arising from exposure to hazardous

1 materials, including asbestos and poly-  
2 chlorinated biphenyls (PCBs), after conveyance  
3 of the vessel, except for claims arising from the  
4 use by the Government under subparagraph  
5 (C);

6 (2) the recipient has funds available that will be  
7 committed to operate and maintain the vessel con-  
8 veyed in good working condition, in the form of  
9 cash, liquid assets, or a written loan commitment,  
10 and in an amount of at least \$700,000; and

11 (3) the recipient agrees to any other conditions  
12 the Commandant considers appropriate.

13 (b) MAINTENANCE AND DELIVERY OF VESSEL.—  
14 Prior to conveyance of the vessel under this section, the  
15 Commandant shall, to the extent practical, and subject to  
16 other Coast Guard mission requirements, make every ef-  
17 fort to maintain the integrity of the vessel and its equip-  
18 ment until the time of delivery. If a conveyance is made  
19 under this section, the Commandant shall deliver the ves-  
20 sel at the place where the vessel is located, in its present  
21 condition, and without cost to the Government. The con-  
22 veyance of the vessel under this section shall not be consid-  
23 ered a distribution in commerce for purposes of section  
24 6(e) of Public Law 94–469 (15 U.S.C. 2605(e)).



1       (c) OTHER EXCESS EQUIPMENT.—The Commandant  
2 may convey to the recipient any excess equipment or parts  
3 from other decommissioned Coast Guard vessels for use  
4 to enhance the vessel’s operability and function for pur-  
5 poses of a museum.

6 **SEC. 409. DEEPWATER IMPLEMENTATION REPORT.**

7       Within 30 days after the date of the enactment of  
8 this Act, the Secretary of the department in which the  
9 Coast Guard is operating shall submit to the Committee  
10 on Transportation and Infrastructure of the House of  
11 Representatives and the Committee on Commerce,  
12 Science, and Transportation of the Senate a report on the  
13 implementation of the Integrated Deepwater Program  
14 that includes—

15           (1) a complete timeline for the acquisition of  
16 each new Deepwater asset and the phase-out of leg-  
17 acy assets for the life of such program;

18           (2) a projection of the remaining operational  
19 lifespan of each legacy asset;

20           (3) a detailed justification for each modification  
21 in each Integrated Deepwater Program asset that  
22 fulfills the revised mission needs statement for the  
23 program; and

1           (4) a total cost of the program that aligns with  
2           the revised mission needs statement for the pro-  
3           gram.

4 **SEC. 410. HELICOPTERS.**

5           (a) IN GENERAL.—The Secretary of the department  
6           in which the Coast Guard is operating may in accordance  
7           with this section acquire or lease up to four previously  
8           used HH–65 helicopters or airframes (or any combination  
9           thereof) that were not under the administrative control of  
10          the Coast Guard on January 1, 2005.

11          (b) DETERMINATION AND CERTIFICATION.—The  
12          Secretary shall not acquire or lease any previously used  
13          HH–65 helicopters or airframes under subsection (a),  
14          until the end of the 90-day period beginning on the date  
15          the Secretary notifies the Committee on Transportation  
16          and Infrastructure of the House of Representatives and  
17          the Committee on Commerce, Science, and Transportation  
18          of the Senate that the Secretary has—

19                (1) determined that acquiring or leasing such  
20                previously used helicopters or airframes, and making  
21                any modifications to such helicopters or airframes  
22                that are needed to ensure those helicopters and air-  
23                frames meet the design, construction, and equipment  
24                standards that apply to H–65 helicopters under the  
25                administrative control of the Coast Guard on May

1 18, 2005, is more cost-effective than acquiring or  
2 leasing an equal number of MH-68 helicopters; and  
3 (2) certified that the helicopters and airframes  
4 will meet all applicable Coast Guard safety require-  
5 ments.

6 **SEC. 411. REPORTS FROM MORTGAGEES OF VESSELS.**

7 Section 12120 of title 46, United States Code, is  
8 amended by striking “owners, masters, and charterers”  
9 and inserting “owners, masters, charterers, and mortga-  
10 gees”.

11 **SEC. 412. NEWTOWN CREEK, NEW YORK CITY, NEW YORK.**

12 (a) STUDY.—Of the amounts provided under section  
13 1012 of the Oil Pollution Act of 1990, the Coast Guard  
14 shall conduct a study of public health and safety concerns  
15 related to the pollution of Newtown Creek, New York City,  
16 New York, caused by seepage of oil into Newtown Creek  
17 from 17,000,000 gallons of underground oil spills in  
18 Greenpoint, Brooklyn, New York.

19 (b) REPORT.—Not later than 1 year after the date  
20 of enactment of this Act, the Coast Guard shall transmit  
21 to Congress a report containing the results of the study.

22 **SEC. 413. DETERMINATION OF THE SECRETARY.**

23 Section 70105(c) of title 46, United States Code, is  
24 amended—

1 (1) in paragraph (3) by inserting before the pe-  
2 riod “before an administrative law judge”; and

3 (2) by adding at the end the following:

4 “(5) In making a determination under paragraph  
5 (1)(D), the Secretary shall not consider a felony conviction  
6 that occurred more than 7 years prior to the date of the  
7 Secretary’s determination.”.

8 **SEC. 414. REPORT ON TECHNOLOGIES.**

9 Not later than 180 days after the date of the enact-  
10 ment of this Act, the Commandant of the Coast Guard  
11 shall submit a report to the Committee on Transportation  
12 and Infrastructure of the House of Representatives and  
13 the Committee on Commerce, Science, and Transportation  
14 of the Senate that includes an assessment of—

15 (1) the availability and effectiveness of tech-  
16 nologies that evaluate and identify inbound vessels  
17 and their cargo for potential threats before they  
18 reach United States ports, including technologies al-  
19 ready tested or in testing at joint operating centers;  
20 and

21 (2) the costs associated with implementing such  
22 technology at all United States ports.

23 **SEC. 415. MOVEMENT OF ANCHORS.**

24 Section 12105 of title 46, United States Code, is  
25 amended by adding at the end the following:

1       “(c) Only a vessel for which a certificate of docu-  
2       mentation with a registry endorsement is issued may be  
3       employed in the setting or moving of the anchors or other  
4       mooring equipment of a mobile offshore drilling unit that  
5       is located above or on the outer Continental Shelf of the  
6       United States (as that term is defined in section 2(a) of  
7       the Outer Continental Shelf Lands Act (43 U.S.C.  
8       1331(a)).”.

9       **SEC. 416. INTERNATIONAL TONNAGE MEASUREMENT OF**  
10       **VESSELS ENGAGED IN THE ALEUTIAN TRADE.**

11       (a) GENERAL INSPECTION EXEMPTION.—Section  
12       3302(c)(2) of title 46, United States Code, is amended  
13       to read as follows:

14       “(2) Except as provided in paragraphs (3) and (4)  
15       of this subsection, the following fish tender vessels are ex-  
16       empt from section 3301(1), (6), (7), (11), and (12) of this  
17       title:

18               “(A) A vessel of not more than 500 gross tons  
19       as measured under section 14502 of this title or an  
20       alternate tonnage measured under section 14302 of  
21       this title as prescribed by the Secretary under sec-  
22       tion 14104 of this title.

23               “(B) A vessel engaged in the Aleutian trade  
24       that is not more than 2,500 gross tons as measured  
25       under section 14302 of this title.”.

1 (b) OTHER INSPECTION EXEMPTION AND WATCH  
 2 REQUIREMENT.—Paragraphs (3)(B) and (4) of section  
 3 3302(c) of that title and section 8104 (o) of that title are  
 4 each amended by striking “or an alternate tonnage meas-  
 5 ured under section 14302 of this title as prescribed by  
 6 the Secretary under section 14104 of this title” and in-  
 7 serting “or less than 500 gross tons as measured under  
 8 section 14502 of this title, or is less than 2,500 gross tons  
 9 as measured under section 14302 of this title”.

10 **SEC. 417. ASSESSMENT AND PLANNING.**

11 There is authorized to be appropriated to the Coast  
 12 Guard \$400,000 to carry out an assessment of and plan-  
 13 ning for the impact of an Arctic Sea Route on the indige-  
 14 nous people of Alaska.

15 **SEC. 418. HOMEPORT.**

16 Subject to the availability of appropriations, the Com-  
 17 mandant of the Coast Guard shall homeport the Coast  
 18 Guard cutter HEALY in Anchorage, Alaska.

19 **SEC. 419. OPINIONS REGARDING WHETHER CERTAIN FA-**  
 20 **CILITIES CREATE OBSTRUCTIONS TO NAVI-**  
 21 **GATION.**

22 In any case in which a person requests the Secretary  
 23 of the Army to take action to permit a wind energy facility  
 24 under the authority of section 10 of the Act of March 3,  
 25 1899 (33 U.S.C. 403), the Commandant of the Coast

1 Guard shall provide an opinion in writing that states  
2 whether the proposed facility would create an obstruction  
3 to navigation.

4 **SEC. 420. TEMPORARY AUTHORIZATION TO EXTEND THE**  
5 **DURATION OF LICENSES, CERTIFICATES OF**  
6 **REGISTRY, AND MERCHANT MARINERS' DOC-**  
7 **UMENTS.**

8 (a) LICENSES AND CERTIFICATES OF REGISTRY.—  
9 Notwithstanding sections 7106 and 7107 of title 46,  
10 United States Code, the Secretary of the department in  
11 which the Coast Guard is operating may temporarily ex-  
12 tend the duration of a license or certificate of registry  
13 issued for an individual under chapter 71 of that title for  
14 up to one year, if—

15 (1) the records of the individual are located at  
16 the Coast Guard facility in New Orleans that was  
17 damaged by Hurricane Katrina; or

18 (2) the individual is a resident of Alabama,  
19 Mississippi, or Louisiana.

20 (b) MERCHANT MARINERS' DOCUMENTS.—Notwith-  
21 standing section 7302(g) of title 46, United States Code,  
22 the Secretary of the department in which the Coast Guard  
23 is operating may temporarily extend the duration of a  
24 merchant mariners' document issued for an individual  
25 under chapter 73 of that title for up to one year, if—

1           (1) the records of the individual are located at  
2           the Coast Guard facility in New Orleans that was  
3           damaged by Hurricane Katrina; or

4           (2) the individual is a resident of Alabama,  
5           Mississippi, or Louisiana.

6           (c) MANNER OF EXTENSION.—Any extensions grant-  
7           ed under this section may be granted to individual seamen  
8           or a specifically identified group of seamen.

9           (d) EXPIRATION OF AUTHORITY.—The authorities  
10          provided under this section expire on December 31, 2006.

11   **SEC. 421. TEMPORARY AUTHORIZATION TO EXTEND THE**  
12                           **DURATION OF VESSEL CERTIFICATES OF IN-**  
13                           **SPECTION.**

14          (a) AUTHORITY TO EXTEND.—Notwithstanding sec-  
15          tion 3307 and 3711(b) of title 46, United States Code,  
16          the Secretary of the department in which the Coast Guard  
17          is operating may temporarily extend the duration or the  
18          validity of a certificate of inspection or a certificate of  
19          compliance issued under chapter 33 or 37, respectively,  
20          of title 46, United States Code, for up to 6 months for  
21          a vessel inspected by a Coast Guard Marine Safety Office  
22          located in Alabama, Mississippi, or Louisiana.

23          (b) EXPIRATION OF AUTHORITY.—The authority  
24          provided under this section expires on December 31, 2006.



1 **SEC. 422. TEMPORARY CENTER FOR PROCESSING OF FOR**  
2 **LICENSES, CERTIFICATES OF REGISTRY, AND**  
3 **MERCHANT MARINERS' DOCUMENTS.**

4 (a) IN GENERAL.—Not later than October 15, 2005,  
5 the Commandant of the Coast Guard shall establish a tem-  
6 porary facility in Baton Rouge, Louisiana, that is suffi-  
7 cient to process applications for new licenses, certificate  
8 of registries, and merchant mariners' documents under  
9 chapters 71 or 73 of title 46, United States Code. This  
10 requirement expires on December 31, 2006.

11 (b) TERMINATION OF REQUIREMENT.—The Com-  
12 mandant is not required to maintain such facility after  
13 December 31, 2006.

14 **SEC. 423. DETERMINATION OF NAVIGATIONAL IMPACT.**

15 In any case in which a person requests the Secretary  
16 of the Army to take action under the authority of section  
17 10 of the Act of March 3, 1899, popularly known as the  
18 Rivers and Harbors Appropriations Act of 1899 (chapter  
19 425; 33 U.S.C. 403), the Commandant of the Coast Guard  
20 shall provide to the Secretary an opinion in writing that  
21 states whether the proposed structure or activity would  
22 create an obstruction to navigation.

23 **SEC. 424. PORT RICHMOND.**

24 The Secretary of the department in which the Coast  
25 Guard is operating acting through the Commandant of the  
26 Coast Guard may not approve the security plan under sec-

tion 70103(c) of title 46, United States Code, for a liquefied natural gas import facility at Port Richmond in Philadelphia, Pennsylvania, until the Secretary conducts a vulnerability assessment under section 70102(b) of such title.

**SEC. 425. CITIZENSHIP AND NAVAL RESERVE REQUIREMENTS.**

Section 8103(b) of title 46, United States Code, is amended by adding the following paragraph at the end of that subsection:

“(4) Paragraph (1) of this subsection and section 8701 of this title do not apply to individuals transported on international voyages who are not part of the crew complement required under section 8101 or a member of the Stewards department, and do not perform watchstanding functions. However, such individuals must possess a transportation security card issued under section 70105 of this title, when required.’’

**SEC. 426. ELIGIBILITY TO PARTICIPATE IN WESTERN ALASKA COMMUNITY DEVELOPMENT QUOTA PROGRAM.**

(a) TREATMENT OF SECRETARY APPROVAL.—

(1) IN GENERAL.—Approval by the Secretary of Commerce of a community development plan, or an amendment thereof, shall not be considered a major

1 Federal action for purposes of section 102(2) of  
2 Public Law 91–190 (42 U.S.C. 4332(2)).

3 (2) DEFINITION.—(A) In this subsection, the  
4 term “community development plan” means a plan,  
5 prepared by a community development quota group  
6 for the western Alaska community development  
7 quota program under section 305(i) of the Magnu-  
8 son-Stevens Fishery Conservation and Management  
9 Act (16 U.S.C. 1855(i)), that describes how the  
10 group intends to—

11 (i) harvest its share of fishery resources al-  
12 located to the program; and

13 (ii) use the harvest opportunity, and any  
14 revenue derived from such use, to assist com-  
15 munities that are members of the group with  
16 projects to advance economic development.

17 (B) In this subsection, no plan that allocates  
18 fishery resources to the western Alaska community  
19 development quota program under section 305(i) of  
20 the Magnuson-Stevens Fishery Conservation and  
21 Management Act (16 U.S.C. 1855(i)) is a “commu-  
22 nity development plan”.

23 **SEC. 427. QUOTA SHARE ALLOCATION.**

24 (a) IN GENERAL.—The Voluntary Three-Pie Cooper-  
25 ative Program for crab fisheries of the Bering Sea and

1 Aleutian Islands implemented under section 801 of title  
2 VIII of division B of Public Law 108–199 is amended to  
3 require that—

4           (1) Blue Dutch, LLC, shall receive crab proc-  
5       essing quota shares equal to 1.5 percent of the total  
6       allowable catch for each of the following fisheries:  
7       the Bristol Bay red king crab fishery and the Bering  
8       Sea C. opilio crab fishery; and

9           (2) the Program implementing regulations shall  
10      be adjusted so that the total of all crab processing  
11      quota shares for each fishery referred to in para-  
12      graph (1), including the amount specified in para-  
13      graph (1), equals 90 percent of the total allowable  
14      catch.

15      (b) APPLICABILITY.—Subsection (a) shall apply, with  
16      respect to each fishery referred to in subsection (a)(1),  
17      whenever the total allowable catch for that fishery is more  
18      than 2 percent higher than the total allowable catch for  
19      that fishery during calendar year 2005.

20 **SEC. 428. ACQUISITION OF MARITIME REFUELING SUP-**  
21 **PORT VESSEL FOR UNITED STATES DRUG**  
22 **INTERDICTION EFFORTS IN THE EASTERN**  
23 **PACIFIC MARITIME TRANSIT ZONE.**

24      There are authorized to be appropriated \$25,000,000  
25      for fiscal year 2006 and \$25,000,000 for fiscal year 2007

1 for the Bureau for International Narcotics and Law En-  
 2 forcement Affairs (INL) of the Department of State to  
 3 purchase or lease a maritime refueling support vessel that  
 4 is capable of refueling public vessels (as that term is de-  
 5 fined in section 30101(3) of title 46, United States Code),  
 6 and allied warships and vessels employed in support of  
 7 United States drug interdiction duties in the Eastern Pa-  
 8 cific maritime transit zone.

9 **SEC. 429. VOYAGE DATA RECORDER REQUIREMENTS.**

10 (a) AUTHORITY TO PRESCRIBE REGULATIONS.—  
 11 Chapter 35 of title 46, United States Code, is amended  
 12 by adding at the end the following:

13 **“§ 3507. Voyage data recorders**

14 “(a) The Secretary shall prescribe regulations that  
 15 require that a passenger vessel described in section  
 16 2101(22)(D) carrying more than 399 passengers shall be  
 17 equipped with a voyage data recorder approved in accord-  
 18 ance with the regulations.

19 “(b) Regulations prescribed under subsection (a)  
 20 shall establish—

21 “(1) standards for voyage data recorders re-  
 22 quired under the regulations;

23 “(2) methods for approval of models of voyage  
 24 data recorders under the regulations; and

1           “(3) procedures for annual performance testing  
2           of voyage data recorders required under the regula-  
3           tions.

4           “(c) To implement this section and regulations pre-  
5           scribed under this section there is authorized to be appro-  
6           priated to the Secretary \$1,500,000 each fiscal year.”.

7           (b) DEADLINE FOR REGULATIONS.—The Secretary  
8           (as that term is used in chapter 35 of title 46, United  
9           States Code) shall initiate the prescribing of regulations  
10          under section 3507(a) of title 46, United States Code, as  
11          amended by this section, by not later than 6 months after  
12          the date of the enactment of this Act.

13          (c) CLERICAL AMENDMENT.—The table of sections  
14          at the beginning of chapter 35 of title 46, United States  
15          Code, is amended by adding at the end the following:

“3507. Voyage data recorders.”.

## 16           **TITLE V—LIGHTHOUSES**

### 17          **SEC. 501. TRANSFER.**

18          (a) JURISDICTIONAL TRANSFERS.—Administrative  
19          jurisdiction over the following National Forest System  
20          lands in the State of Alaska upon which are located any  
21          of the Coast Guard facilities described in subsection (b),  
22          and over improvements situated on such lands, is hereby  
23          transferred, without requirement for consideration, from  
24          the Secretary of Agriculture to the Secretary of the de-  
25          partment in which the Coast Guard is operating.

1 (b) FACILITIES DESCRIBED.—The facilities described  
2 in subsection (a) are the following:

3 (1) GUARD ISLAND LIGHT STATION.—That area  
4 described in the Guard Island Lighthouse reserve  
5 dated January 4, 1901, comprising approximately  
6 8.0 acres of National Forest uplands.

7 (2) ELDRED ROCK LIGHT STATION.—That area  
8 described in the December 30, 1975, listing on the  
9 National Register of Historic Places, comprising ap-  
10 proximately 2.4 acres.

11 (3) MARY ISLAND LIGHT STATION.—That area  
12 described as the remaining National Forest System  
13 uplands within the Mary Island Lighthouse Reserve  
14 dated January 4, 1901, as amended by Public Land  
15 Order 6964, dated April 5, 1993, comprising ap-  
16 proximately 1.07 acres.

17 (4) CAPE HINCHINBROOK LIGHT STATION.—  
18 That area described in the November 1, 1957, sur-  
19 vey prepared for the Coast Guard, comprising ap-  
20 proximately 57.4 acres.

21 (c) MAPS.—

22 (1) REQUIREMENT TO PREPARE.—The Com-  
23 mandant of the Coast Guard, in consultation with  
24 the Secretary of Agriculture, shall prepare and  
25 maintain maps of the lands transferred by sub-

1 section (a), and such maps shall be on file and avail-  
2 able for public inspection in the Coast Guard Dis-  
3 trict 17 office in Juneau, Alaska.

4 (2) CORRECTIONS AND MODIFICATIONS.—In  
5 preparing such maps, the Commandant of the Coast  
6 Guard, with the approval of the Secretary of Agri-  
7 culture, may make corrections and minor modifica-  
8 tions to the lands described or depicted to facilitate  
9 Federal land management. Such maps, as so cor-  
10 rected or modified, shall have the same effect as if  
11 enacted in this section.

12 (d) EFFECT OF TRANSFER.—The lands transferred  
13 to the Secretary of the department in which the Coast  
14 Guard is operating under subsection (a)—

15 (1) shall be administered by the Commandant  
16 of the Coast Guard;

17 (2) shall be deemed transferred from and no  
18 longer part of the National Forest System; and

19 (3) shall be considered not suitable for return  
20 to the public domain for disposition under the gen-  
21 eral public land laws.

22 (e) TRANSFER OF LAND.—

23 (1) REQUIREMENT.—Subject to paragraph (2),  
24 the Administrator of General Services, upon request  
25 by the Secretary of Agriculture, shall transfer to the



1 Secretary of Agriculture, without consideration, any  
 2 land identified in subsection (b), together with the  
 3 improvements thereon, for administration under the  
 4 laws pertaining to the National Forest System, if—

5 (A) the Secretary of the Interior cannot  
 6 identify and select an eligible entity in accord-  
 7 ance with section 308(b)(2) of the National  
 8 Historic Preservation Act (16 U.S.C. 470w-  
 9 7(b)(2)) within 3 years after the date the Sec-  
 10 retary of the department in which the Coast  
 11 Guard is operating determines that the land is  
 12 excess property, as that term is defined in sec-  
 13 tion 102(3) of title 40, United States Code; or

14 (B) the land reverts to the United States  
 15 pursuant to section 308(c)(3) of the National  
 16 Historic Preservation Act (16 U.S.C. 470w-  
 17 7(c)(3)).

18 (2) RESERVATIONS FOR AIDS TO NAVIGA-  
 19 TION.—Any action taken under this subsection by  
 20 the Administrator of General Services shall be sub-  
 21 ject to any rights that may be reserved by the Com-  
 22 mandant of the Coast Guard for the operation and  
 23 maintenance of Federal aids to navigation.

24 (f) NOTIFICATION; DISPOSAL OF LANDS BY THE AD-  
 25 MINISTRATOR.—The Administrator of General Services

1 shall promptly notify the Secretary of Agriculture upon  
 2 the occurrence of any of the events described in subpara-  
 3 graphs (A) and (B) of subsection (e)(1). If the Secretary  
 4 of Agriculture does not request a transfer as provided for  
 5 in subsection (e) within 90 days after receiving such notifi-  
 6 cation from the Administrator, the Administrator may dis-  
 7 pose of the property in accordance with section 309 of the  
 8 National Historic Preservation Act (16 U.S.C. 470w-8)  
 9 or other applicable surplus real property disposal author-  
 10 ity.

11 (g) PRIORITY.—In selecting an eligible entity to  
 12 which to convey, under section 308(b) of the National His-  
 13 toric Preservation Act (16 U.S.C. 470w-7(b)), land re-  
 14 ferred to in subsection (b), the Secretary of the Interior  
 15 shall give priority to any eligible entity, as defined in sec-  
 16 tion 308(e) of that Act (16 U.S.C. 470w-7(e)) that is the  
 17 local government of the community in which the land is  
 18 located.

19 **SEC. 502. MISTY FIORDS NATIONAL MONUMENT AND WIL-**  
 20 **DERNESS.**

21 (a) REQUIREMENT TO TRANSFER.—Notwithstanding  
 22 section 308(b) of the National Historic Preservation Act  
 23 (16 U.S.C. 470w-7(b)), if the Secretary of the department  
 24 in which the Coast Guard is operating determines that the  
 25 Tree Point Light Station is no longer needed for the pur-

1 poses of the Coast Guard, the Secretary shall transfer to  
2 the Secretary of Agriculture all administrative jurisdiction  
3 over the Tree Point Light Station, without consideration.

4 (b) EFFECTUATION OF TRANSFER.—A transfer  
5 under this subsection shall be effectuated by a letter from  
6 the Secretary of the department in which the Coast Guard  
7 is operating to the Secretary of Agriculture and, except  
8 as provided in subsection (g), without any further require-  
9 ments for administrative or environmental analyses or ex-  
10 amination. Such transfer shall not be considered a convey-  
11 ance to an eligible entity pursuant to section 308(b) of  
12 the National Historic Preservation Act (16 U.S.C. 470w–  
13 7(b)).

14 (c) RESERVATION FOR AIDS TO NAVIGATION.—As  
15 part of any transfer pursuant to this subsection, the Com-  
16 mandant of the Coast Guard may reserve rights to operate  
17 and maintain Federal aids to navigation at the site.

18 (d) EASEMENTS AND SPECIAL USE AUTHORIZA-  
19 TIONS.—Notwithstanding any other provision of law, in-  
20 cluding the Wilderness Act (16 U.S.C. 1131), and section  
21 703 of the Alaska National Interests Lands Conservation  
22 Act (94 Stat. 2418; 16 U.S.C. 1132 note), with respect  
23 to the property transferred under this subsection, the Sec-  
24 retary of Agriculture—

1           (1) may identify an eligible entity to be granted  
2           an easement or other special use authorization and,  
3           in doing so, the Secretary of Agriculture may con-  
4           sult with the Secretary of the Interior concerning  
5           the application of policies for eligible entities devel-  
6           oped pursuant to subsection 308(b)(1) of the Na-  
7           tional Historic Preservation Act (16 U.S.C. 470w-  
8           7(b)(1)); and

9           (2) may grant an easement or other special use  
10          authorization to an eligible entity, for no consider-  
11          ation, to approximately 31 acres as described in the  
12          map entitled “Tree Point Light Station,” dated Sep-  
13          tember 24, 2004, on terms and conditions that pro-  
14          vide for—

15                (A) maintenance and preservation of the  
16                structures and improvements;

17                (B) the protection of wilderness and Na-  
18                tional Monument resources;

19                (C) public safety; and

20                (D) such other terms and conditions  
21                deemed appropriate by the Secretary of Agri-  
22                culture.

23          (e) ACTIONS FOLLOWING TERMINATION OR REVOCATION.—In the event that no eligible entity is identified  
24          within 3 years after administrative jurisdiction is trans-  
25

1 ferred to the Secretary of Agriculture pursuant to this  
2 subsection, or the easement or other special use authoriza-  
3 tion granted pursuant to subsection (d) is terminated or  
4 revoked, the Secretary of Agriculture may take such ac-  
5 tions as are authorized by subsection 110(b) of the Na-  
6 tional Historic Preservation Act (16 U.S.C. 470h-2(b)).

7 (f) REVOCATION OF WITHDRAWALS AND RESERVA-  
8 TIONS.—Effective on the date of transfer of lands as pro-  
9 vided in this subsection, the following public land with-  
10 draws or reservations for light station and lighthouse  
11 purposes on lands in Alaska are revoked as to the lands  
12 transferred:

13 (1) The unnumbered Executive order dated  
14 January 4, 1901, as it affects the Tree Point Light  
15 Station site only.

16 (2) Executive Order No. 4410 dated April 1,  
17 1926, as it affects the Tree Point Light Station site  
18 only.

19 (g) REMEDIATION RESPONSIBILITIES NOT AF-  
20 FECTED.—Nothing in this section shall affect any respon-  
21 sibilities of the Commandant of the Coast Guard for the  
22 remediation of hazardous substances and petroleum con-  
23 tamination at the Tree Point Light Station consistent with  
24 existing law and regulations. The Commandant and the  
25 Secretary shall execute an agreement to provide for the

1 remediation of the land and structures at the Tree Point  
2 Light Station.

3 **SEC. 503. CAPE ST. ELIAS LIGHT STATION.**

4 For purposes of section 416(a)(2) of Public Law  
5 105–383, the Cape St. Elias Light Station shall comprise  
6 approximately 10 acres in fee, along with additional access  
7 easements issued without consideration by the Secretary  
8 of Agriculture, as generally described in the map entitled  
9 “Cape St. Elias Light Station,” dated September 14,  
10 2004. The Secretary of the department in which the Coast  
11 Guard is operating shall keep such map on file and avail-  
12 able for public inspection.

13 **SEC. 504. INCLUSION OF LIGHTHOUSE IN ST. MARKS NA-**  
14 **TIONAL WILDLIFE REFUGE, FLORIDA.**

15 (a) REVOCATION OF EXECUTIVE ORDER DATED NO-  
16 VEMBER 12, 1838.—Any reservation of public land de-  
17 scribed in subsection (b) for lighthouse purposes by the  
18 Executive order dated November 12, 1838, as amended  
19 by Public Land Order 5655, dated January 9, 1979, is  
20 revoked.

21 (b) DESCRIPTION OF LAND.—The public land re-  
22 ferred to in subsection (a) consists of approximately 8.0  
23 acres within the external boundaries of St. Marks National  
24 Wildlife Refuge in Wakulla County, Florida, that is east  
25 of the Tallahassee Meridian, Florida, in Township 5

1 South, Range 1 East, Section 1 (fractional) and con-  
2 taining all that remaining portion of the unsurveyed frac-  
3 tional section, more particularly described as follows: A  
4 parcel of land, including submerged areas, beginning at  
5 a point which marks the center of the light structure,  
6 thence due North (magnetic) a distance of 350 feet to the  
7 point of beginning a strip of land 500 feet in width, the  
8 axial centerline of which runs from the point of beginning  
9 due South (magnetic) a distance of 700 feet, more or less,  
10 to the shoreline of Apalachee Bay, comprising 8.0 acres,  
11 more or less, as shown on plat dated January 2, 1902,  
12 by Office of L. H. Engineers, 7th and 8th District, Mobile,  
13 Alabama.

14 (c) TRANSFER OF ADMINISTRATIVE JURISDIC-  
15 TION.—Subject to subsection (f), administrative jurisdic-  
16 tion over the public land described in subsection (b), and  
17 over all improvements, structures, and fixtures located  
18 thereon, is transferred from the department in which the  
19 Coast Guard is operating to the Secretary of the Interior,  
20 without reimbursement.

21 (d) RESPONSIBILITY FOR ENVIRONMENTAL RE-  
22 SPONSE ACTIONS.—The Coast Guard shall have sole re-  
23 sponsibility in the Federal Government to fund and con-  
24 duct any response action required under any applicable

1 Federal or State law or implementing regulation to ad-  
2 dress—

3 (1) a release or threatened release on public  
4 land referred to in subsection (b) of any hazardous  
5 substance, pollutant, contaminant, petroleum, or pe-  
6 troleum product or derivative that is located on such  
7 land on the date of the enactment of this Act; or

8 (2) any other release or threatened release on  
9 public land referred to in subsection (b) of any haz-  
10 ardous substance, pollutant, contaminant, petroleum,  
11 or petroleum product or derivative, that results from  
12 any Coast Guard activity occurring after the date of  
13 the enactment of this Act.

14 (e) INCLUSION IN REFUGE.—

15 (1) INCLUSION.—The public land described in  
16 subsection (b) shall be part of St. Marks National  
17 Wildlife Refuge.

18 (2) ADMINISTRATION.—Subject to this sub-  
19 section, the Secretary of the Interior shall admin-  
20 ister the public land described in subsection (b)—

21 (A) through the Director of the United  
22 States Fish and Wildlife Service; and

23 (B) in accordance with the National Wild-  
24 life Refuge System Administration Act of 1966  
25 (16 U.S.C. 668dd et seq.) and such other laws



1 as apply to Federal real property under the sole  
2 jurisdiction of the United States Fish and Wild-  
3 life Service.

4 (f) MAINTENANCE OF NAVIGATION FUNCTIONS.—

5 The transfer under subsection (c), and the administration  
6 of the public land described in subsection (b), shall be sub-  
7 ject to such conditions and restrictions as the Secretary  
8 of the department in which the Coast Guard is operating  
9 considers necessary to ensure that—

10 (1) the Federal aids to navigation located at St.  
11 Marks National Wildlife Refuge continue to be oper-  
12 ated and maintained by the Coast Guard for as long  
13 as they are needed for navigational purposes;

14 (2) the Coast Guard may remove, replace, or  
15 install any Federal aid to navigation at the St.  
16 Marks National Wildlife Refuge as may be necessary  
17 for navigational purposes;

18 (3) the United States Fish and Wildlife Service  
19 will not interfere or allow interference in any man-  
20 ner with any Federal aid to navigation, nor hinder  
21 activities required for the operation and maintenance  
22 of any Federal aid to navigation, without express  
23 written approval by the Secretary of the department  
24 in which the Coast Guard is operating; and

(4) the Coast Guard may, at any time, enter the St. Marks National Wildlife Refuge, without notice, for purposes of operating, maintaining, and inspecting any Federal aid to navigation and ensuring compliance with this subsection, to the extent that it is not possible to provide advance notice.

## **TITLE VI—RESPONSE**

### **SEC. 601. SHORT TITLE.**

This title may be cited as the “Delaware River Protection Act of 2005”.

### **SEC. 602. REQUIREMENT TO NOTIFY COAST GUARD OF RELEASE OF OBJECTS INTO THE NAVIGABLE WATERS OF THE UNITED STATES.**

The Ports and Waterways Safety Act (33 U.S.C. 1221 et seq.) is amended by adding at the end the following:

#### **“SEC. 15. REQUIREMENT TO NOTIFY COAST GUARD OF RELEASE OF OBJECTS INTO THE NAVIGABLE WATERS OF THE UNITED STATES.**

“(a) REQUIREMENT.—As soon as a person has knowledge of any release from a vessel or facility into the navigable waters of the United States of any object that creates an obstruction prohibited under section 10 of the Act of March 3, 1899, popularly known as the Rivers and Harbors Appropriations Act of 1899 (chapter 425; 33

1 U.S.C. 403), such person shall notify the Secretary and  
 2 the Secretary of the Army of such release.

3 “(b) RESTRICTION ON USE OF NOTIFICATION.—Any  
 4 notification provided by an individual in accordance with  
 5 subsection (a) shall not be used against such individual  
 6 in any criminal case, except a prosecution for perjury or  
 7 for giving a false statement.”.

8 **SEC. 603. LIMITS ON LIABILITY.**

9 (a) ADJUSTMENT OF LIABILITY LIMITS.—

10 (1) TANK VESSELS.—Section 1004(a)(1) of the  
 11 Oil Pollution Act of 1990 (33 U.S.C. 2704(a)(1)) is  
 12 amended—

13 (A) by redesignating subparagraph (B) as  
 14 subparagraph (C);

15 (B) by striking subparagraph (A) and in-  
 16 serting the following:

17 “(A) with respect to a single-hull vessel,  
 18 including a single-hull vessel fitted with double  
 19 sides only or a double bottom only—

20 “(i) \$1,550 per gross ton for an inci-  
 21 dent that occurs in 2005;

22 “(ii) \$1,900 per gross ton for an inci-  
 23 dent that occurs in 2006; or

1 “(iii) \$2,250 per gross ton for an inci-  
 2 dent that occurs in 2007 or in any year  
 3 thereafter; or

4 “(B) with respect to a double-hull vessel  
 5 (other than any vessel referred to in subpara-  
 6 graph (A))—

7 “(i) \$1,350 per gross ton for an inci-  
 8 dent that occurs in 2005;

9 “(ii) \$1,500 per gross ton for an inci-  
 10 dent that occurs in 2006; and

11 “(iii) \$1,700 per gross ton for any in-  
 12 cident that occurs in 2007 or in any year  
 13 thereafter; or”; and

14 (C) in subparagraph (C), as redesignated  
 15 by subparagraph (A) of this paragraph—

16 (i) in clause (i) by striking  
 17 “\$10,000,000” and inserting  
 18 “\$14,000,000”; and

19 (ii) in clause (ii) by striking  
 20 “\$2,000,000” and inserting “\$2,500,000”.

21 (2) LIMITATION ON APPLICATION.—In the case  
 22 of an incident occurring before the date of the enact-  
 23 ment of this Act, section 1004(a)(1) of the Oil Pol-  
 24 lution Act of 1990 (33 U.S.C. 2704(a)(1)) shall

1       apply as in effect immediately before the effective  
2       date of this subsection.

3       (b) ADJUSTMENT TO REFLECT CONSUMER PRICE  
4 INDEX.—Section 1004(d)(4) of the Oil Pollution Act of  
5 1990 (33 U.S.C. 2704(d)(4)) is amended to read as fol-  
6 lows:

7               “(4) ADJUSTMENT TO REFLECT CONSUMER  
8       PRICE INDEX.—The President shall, by regulations  
9       issued no later than 3 years after the date of the en-  
10       actment of the Delaware River Protection Act of  
11       2005 and no less than every 3 years thereafter, ad-  
12       just the limits on liability specified in subsection (a)  
13       to reflect significant increases in the Consumer Price  
14       Index.”.

15 **SEC. 604. REQUIREMENT TO UPDATE PHILADELPHIA AREA**  
16 **CONTINGENCY PLAN.**

17       The Philadelphia Area Committee established under  
18 section 311(j)(4) of the Federal Water Pollution Control  
19 Act (33 U.S.C. 1321(j)(4)) shall, by not later than 12  
20 months after the date of the enactment of this Act and  
21 not less than annually thereafter, review and revise the  
22 Philadelphia Area Contingency Plan to include available  
23 data and biological information on environmentally sen-  
24 sitive areas of the Delaware River and Delaware Bay that  
25 has been collected by Federal and State surveys.

1 **SEC. 605. SUBMERGED OIL REMOVAL.**

2 (a) AMENDMENTS.—Title VII of the Oil Pollution  
3 Act of 1990 is amended—

4 (1) in section 7001(c)(4)(B) (33 U.S.C.  
5 2761(c)(4)(B)) by striking “RIVERA,” and insert-  
6 ing “RIVERA and the T/V ATHOS I;”; and

7 (2) by adding at the end the following:

8 **“SEC. 7002. SUBMERGED OIL PROGRAM.**

9 “(a) PROGRAM.—

10 “(1) ESTABLISHMENT.—The Undersecretary of  
11 Commerce for Oceans and Atmosphere, in conjunc-  
12 tion with the Commandant of the Coast Guard, shall  
13 establish a program to detect, monitor, and evaluate  
14 the environmental effects of submerged oil. Such  
15 program shall include the following elements:

16 “(A) The development of methods to re-  
17 move, disperse or otherwise diminish the per-  
18 sistence of submerged oil.

19 “(B) The development of improved models  
20 and capacities for predicting the environmental  
21 fate, transport, and effects of submerged oil.

22 “(C) The development of techniques to de-  
23 tect and monitor submerged oil.

24 “(2) REPORT.—The Secretary of Commerce  
25 shall, no later than 3 years after the date of the en-  
26 actment of the Delaware River Protection Act of

1       2005, submit to the Committee on Transportation  
2       and Infrastructure of the House of Representatives  
3       and the Committee on Commerce, Science, and  
4       Transportation and the Committee on Environment  
5       and Public Works of the Senate a report on the ac-  
6       tivities carried out under this subsection and activi-  
7       ties proposed to be carried out under this subsection.

8               “(3) FUNDING.—There is authorized to be ap-  
9       propriated to the Secretary of Commerce \$1,000,000  
10      for each of fiscal years 2006 through 2010 to carry  
11      out this subsection.

12      “(b) DEMONSTRATION PROJECT.—

13              “(1) REMOVAL OF SUBMERGED OIL.—The  
14      Commandant of the Coast Guard, in conjunction  
15      with the Undersecretary of Commerce for Oceans  
16      and Atmosphere, shall conduct a demonstration  
17      project for the purpose of developing and dem-  
18      onstrating technologies and management practices to  
19      remove submerged oil from the Delaware River and  
20      other navigable waters.

21              “(2) FUNDING.—There is authorized to be ap-  
22      propriated to the Commandant of the Coast Guard  
23      \$2,000,000 for each of fiscal years 2006 through  
24      2010 to carry out this subsection.”.

1 (b) CLERICAL AMENDMENT.—The table of sections  
2 in section 2 of such Act is amended by inserting after the  
3 item relating to section 7001 the following:

“Sec. 7002. Submerged oil program.”.

4 **SEC. 606. DELAWARE RIVER AND BAY OIL SPILL ADVISORY**  
5 **COMMITTEE.**

6 (a) ESTABLISHMENT.—There is established the Dela-  
7 ware River and Bay Oil Spill Advisory Committee (in this  
8 section referred to as the “Committee”).

9 (b) FUNCTIONS.—

10 (1) IN GENERAL.—The Committee shall, by not  
11 later than 1 year after the date the Commandant of  
12 the Coast Guard (in this section referred to as the  
13 “Commandant”) completes appointment of the mem-  
14 bers of the Committee, make recommendations to  
15 the Commandant, the Committee on Transportation  
16 and Infrastructure of the House of Representatives,  
17 and the Committee on Commerce, Science, and  
18 Transportation of the Senate on methods to improve  
19 the prevention of and response to future oil spills in  
20 the Delaware River and Delaware Bay.

21 (2) MEETINGS.—The Committee—

22 (A) shall hold its first meeting not later  
23 than 60 days after the completion of the ap-  
24 pointment of the members of the Committee;  
25 and



1 (B) shall meet thereafter at the call of the  
2 Chairman.

3 (c) MEMBERSHIP.—The Committee shall consist of  
4 15 members who have particular expertise, knowledge, and  
5 experience regarding the transportation, equipment, and  
6 techniques that are used to ship cargo and to navigate  
7 vessels in the Delaware River and Delaware Bay, as fol-  
8 lows:

9 (1) Three members who are employed by port  
10 authorities that oversee operations on the Delaware  
11 River or have been selected to represent these enti-  
12 ties, of whom—

13 (A) one member must be an employee or  
14 representative of the Port of Wilmington;

15 (B) one member must be an employee or  
16 representative of the South Jersey Port Cor-  
17 poration; and

18 (C) one member must be an employee or  
19 representative of the Philadelphia Regional Port  
20 Authority.

21 (2) Two members who represent organizations  
22 that operate tugs or barges that utilize the port fa-  
23 cilities on the Delaware River and Delaware Bay.

1           (3) Two members who represent shipping com-  
2           panies that transport cargo by vessel from ports on  
3           the Delaware River and Delaware Bay.

4           (4) Two members who represent operators of oil  
5           refineries on the Delaware River and Delaware Bay.

6           (5) Two members who represent environmental  
7           and conservation interests.

8           (6) Two members who represent State-licensed  
9           pilots who work on the Delaware River and Dela-  
10          ware Bay.

11          (7) One member who represents labor organiza-  
12          tions that load and unload cargo at ports on the  
13          Delaware River and Delaware Bay.

14          (8) One member who represents the general  
15          public.

16          (d) APPOINTMENT OF MEMBERS.—The Commandant  
17          shall appoint the members of the Committee, after solie-  
18          iting nominations by notice published in the Federal Reg-  
19          ister.

20          (e) CHAIRMAN AND VICE CHAIRMAN.—The Com-  
21          mittee shall elect, by majority vote at its first meeting,  
22          one of the members of the Committee as the Chairman  
23          and one of the members as the Vice Chairman. The Vice  
24          Chairman shall act as Chairman in the absence of or inca-

1 pacity of the Chairman, or in the event of vacancy in the  
2 Office of the Chairman.

3 (f) PAY AND EXPENSES.—

4 (1) PROHIBITION ON PAY.—Members of the  
5 Committee who are not officers or employees of the  
6 United States shall serve without pay. Members of  
7 the Committee who are officers or employees of the  
8 United States shall receive no additional pay on ac-  
9 count of their service on the Committee.

10 (2) EXPENSES.—While away from their homes  
11 or regular places of business, members of the Com-  
12 mittee may be allowed travel expenses, including per  
13 diem, in lieu of subsistence, as authorized by section  
14 5703 of title 5, United States Code.

15 (g) TERMINATION.—The Committee shall terminate  
16 one year after the completion of the appointment of the  
17 members of the Committee.

18 **SEC. 607. MARITIME FIRE AND SAFETY ACTIVITIES.**

19 The Maritime Transportation Security Act of 2002  
20 (Public Law 107–295) is amended—

21 (1) in section 407—

22 (A) in the heading by striking “**LOWER**  
23 **COLUMBIA RIVER**”; and

24 (B) by striking “\$987,400” and inserting  
25 “\$1,500,000”; and

1           (2) in the table of contents in section 1(b) by  
2       striking the item relating to section 407 and insert-  
3       ing the following:

“Sec. 407. Maritime fire and safety activities.”.

Passed the House of Representatives September 15,  
2005.

Attest:

JEFF TRANDAHL,

*Clerk.*